

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
NOV 20 2003
JOHN A. NORDBERG, JUDGE
UNITED STATES DISTRICT COURT

THE MONOTYPE CORPORATION,
A Delaware corporation, and AGFA
MONOTYPE CORPORATION, a
Delaware corporation,

No. 02 C 3713

Plaintiffs,

v.

RED HAT, INC.,
A Delaware corporation,

Defendant.

DOCKETED
NOV 21 2003

Judge Nordberg

Magistrate Judge Brown

ORIGINAL

**STIPULATION OF PARTIES TO DISMISS PURSUANT TO
RULE 41(a)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

The parties by and through their respective counsel in consideration for their having reached agreement for the license of certain software products hereby stipulate as follows:

(1) All counts of the Third Amended Complaint against defendant Red Hat, Inc., shall be dismissed with prejudice and without costs.

(2) All counts of the counterclaims against The Monotype Corporation and Agfa Monotype Corporation shall be dismissed with prejudice and without costs.

(3) The parties agree that all documents received from the other that were marked under the Protective Order entered in this action as being "confidential" or "subject to the protective order" and any copies made thereof shall be returned or destroyed within 90 days of the entry of an order dismissing the action.

(4) The parties agree that the Court shall maintain jurisdiction of this action solely to enforce paragraph 3 above.

(5) The parties agree to the entry by the Court of an order of dismissal in substantially the form set forth in the attached Exhibit "A".

Dated: November 20, 2003

The Monotype Corporation and
Agfa Monotype Corporation

By: Robert A. Filpi
One of their Attorneys

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Red Hat, Inc.

By: Christopher E. Paetsch
One of Its Attorneys

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EXHIBIT "A"

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE MONOTYPE CORPORATION,)	
A Delaware corporation, and AGFA)	
MONOTYPE CORPORATION, a)	No. 02 C 3713
Delaware corporation,)	
)	
Plaintiffs,)	
)	
v.)	
)	Judge Nordberg
RED HAT, INC.,)	
A Delaware corporation,)	Magistrate Judge Brown
)	
Defendant.)	

**ORDER OF DISMISSAL PURSUANT TO
RULE 41(a)(2) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

This matter coming to be heard on the Stipulation of the parties and motion for dismissal, pursuant to Rule 41(a)(2), of the Federal Rules of Civil Procedure, and the Court being advised that the parties have settled and compromised the claims contained in this action, and being otherwise advised in the premises;

IT IS ORDERED AS FOLLOWS:

(1) All counts of the Third Amended Complaint against defendant Red Hat, Inc., are hereby dismissed with prejudice and without costs.

(2) All counts of the counterclaims against The Monotype Corporation and Agfa Monotype Corporation are hereby dismissed with prejudice and without costs.

(3) Documents exchanged by the parties that were marked under the Protective Order (a copy of which is attached hereto, marked as Exhibit "A"), entered in this action as being "confidential" or "subject to the protective order" and any copies made thereof shall be destroyed by the receiving party within 90 days of the entry this Order.

(4) The Court shall retain jurisdiction of this action solely to enforce paragraph 3 above.

Dated: November ___, 2003

ENTER:

United States District Judge

Attorneys for Plaintiffs:

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**SEE CASE
FILE FOR
EXHIBITS**